

REMARKS

The Office Action and prior art relied upon have been carefully considered.

Claims 9-12, 22, 27, 28, 35, 36, 39, 49-56, 61, 63, and 93 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Teicher (U.S. Patent No. 5,744,787).

Claims 24-26, 29, 31, 40, 41, 43, 44, 97, 98, 62, 75-78, 95, 96, 99, 100-106, 142-144, 174-177 and 141 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teicher in view of Matsunaga et al. (U.S. Patent No. 6,440,591).

In order to expedite the prosecution of the application, claim 9 has been amended by reciting novel features which are not disclosed or suggested in the cited prior art references. The difference between the present invention now defined by amended claim 9 and the disclosure of Teicher will be described.

According to the present invention, data of an electronic payment card is downloaded from a service providing server to an electronic wallet. More specifically, data indicative of an electronic payment card, such as an electronic prepaid card, an electronic telephone card, an electronic ticket or the like is downloaded from the service providing server to the electronic wallet, i.e., a mobile user terminal, via the first and second communication units.

The above-mentioned electronic payment card includes management information and a program which defines the operation of the electronic payment card.

The management information includes data indicative of the present amount of money, i.e., the remaining amount of money, in the case that the electronic payment card is an electronic prepaid card or an electronic telephone card. On the other hand, the management information includes data indicative of the status as to whether or not ticket punching was made.

The program defining the operation of the electronic payment card includes security information such as authentication information to be used when the electronic payment card is used or transferred. The security information is inherent to each payment card.

Turning to Teicher, the value information to be loaded in the electronic wallet for use is the cash balance (amount of electronic cash) to be stored in the register 311 (see

Fig. 3 and column 8, lines 47-52). In other words, this is information merely indicative of the amount of money. Therefore, the information stored in the electronic wallet of Teicher is totally different from that in the present invention.

Furthermore, even if money amount information is loaded into the electronic wallet of Teicher, security information cannot be renewed. On the other hand, according to the present invention, security information is inherent to each electronic payment card, and therefore, when new electronic payment card data is downloaded, then the security information is automatically renewed thereby making it possible to provide electronic commerce service with high security.

For the above reason, it is believed that the present invention defined by claims 9-12, 22, 27, 28, 35, 36, 39, 49-56, 61, 63, and 93 is not anticipated by Teicher.

Turning to Matsunaga et al. this reference merely discloses a technique for memory. Since what is disclosed by Teicher is totally different from the present invention, it is believed that even if the disclosure of Matsunaga et al. is combined with Teicher, the invention defined by claims 24-26, 29, 31, 40, 41, 43, 44, 97, 98, 62, 75-78, 95, 96, 99, 100-106, 142-144, 174-177 and 141 is not obvious to those skilled in the art.

Claims 9-12, 22, 27, 28, 35, 36, 39, 49-56, 61, 63, 93, 24-26, 29, 31, 40, 41, 43, 44, 97, 98, 62, 75-78, 95, 96, 99-106, and 142-144 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

In response to the Examiner's questioning the definition of various terms, the following provides the basis for these terms:

- (1) **electronic wallet** - This corresponds to mobile user terminal 10 shown in Figs. 3 and 15, mobile user terminal 13900 in Figs. 139 and 140, and mobile user terminal 14100 in Figs. 141 and 142.
- (2) **electronic payment card settlement means** - This corresponds to merchant terminal 102 shown in Figs. 5 and 26, and merchant terminal 103 in Figs. 6 and 30.
- (3) **electronic payment card issuing means** - This corresponds to payment card issuing system 108 shown in Fig. 12.

not found

- (4) **service means** - This corresponds to service providing system 110 shown in Fig. 9.
- (5) **service providing means** - This also corresponds to service providing system 110 shown in Fig. 9.
- (6) **first storage means** This corresponds to ROM 1501 of the mobile user terminal shown in Figs. 15 and 140, ROM 14301 of the IC card shown in Fig. 143, ROM 2601 of the merchant terminal shown in Fig. 26, ROM 3001 of the merchant terminal shown in Fig. 30, ROM 3401 of the accounting machine or equipment 3455 shown in Fig. 34, and ROM 2201 of the gate terminal 101 shown in Fig. 22.
- (7) **second storage means** - This corresponds to RAM 1502 of the mobile user terminal shown in Figs. 15 and 140, RAM 14302 of the IC card of the mobile user terminal shown in Fig. 143, RAM 2602 of the merchant terminal shown in Fig. 26, RAM 3002 of the merchant terminal shown in Fig. 30, RAM 3402 of the accounting machine or equipment 3455 shown in Fig. 34, RAM 3802 of the electronic telephone card accounting machine 800 shown in Fig. 38, and RAM 2202 of the gate terminal 101 shown in Fig. 22.
- (8) **third storage means** - This corresponds to memory card (RAM) 3059 of the merchant terminal shown in Fig. 30, product manager 3417 of the sales mechanism 3456 shown in Fig. 34, SIM card 14000 of the mobile user terminal shown in Fig. 140, and FeRAM 14303 of the IC card of the mobile user terminal shown in Fig. 143.
- (9) **fourth storage means** - This corresponds to CD-ROM drive 3419 of the sales mechanism 3456 shown in Fig. 34.
- (10) **display means** - This corresponds to LCD 303 of the mobile user terminal shown in Figs. 15, 140 and 142, touch panel LCD of the gate terminal shown in Fig. 22, LCD 502 of the merchant terminal shown in Fig. 26, LCD 603 of the merchant terminal shown in Fig. 30, and touch panel LCD 702 of the sales mechanism 3456 shown in Fig. 34.
- (11) **optical communication means** - This corresponds to infrared communication module 1507 of the mobile user terminal shown in Figs. 15, 140 and 142, infrared communication module 400 of the gate terminal shown in Fig. 22, infrared communication module 501 of the merchant terminal shown in Fig. 26, infrared

communication module 3007 of the merchant terminal shown in Fig. 30, infrared communication module 3406 of the sales mechanism 3456 shown in Fig. 34.

(12) **selection means** - This corresponds to product selection switch 704 of the sales mechanism 3456 shown in Fig. 34

(13) **automatic providing means** - This corresponds to product output mechanism 3418 of the sales mechanism 3456 shown in Fig. 34.

(14) **communication means** - This corresponds to digital communication adapter 2616 of the merchant terminal shown in Fig. 26, ATM switch 911 of the service providing system shown in Fig. 9, ATM switch 1005 of the **transaction processing** system 106 shown in Fig. 10, ATM switch 1105 of the ticket issuing system 107 shown in Fig. 11, ATM switch 1205 of the payment card issuing system 108 shown in Fig. 12, ATM switch 1305 of the telephone card providing system 109 shown in Fig. 13, and switch 801 of the switching center 105 shown in Fig. 8.

(15) **subscriber information storage means** - This corresponds to subscriber information server 1001 of the transaction processing system 106 shown in Fig. 10.

(16) **member shop information storage means** - This corresponds to member store information server 1002 of the transaction processing system 106 shown in Fig. 10.

From the above and corresponding description in the specification, the scope and definition of each of the terms are clear, and it is believed that the rejection under 35 U.S.C. § 112 is overcome. Furthermore, the above explanation responds to the objection to the drawings set forth in paragraph 2 of the Office Action.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made.**”

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Dated: June 2, 2003

Respectfully submitted,

By 

Morris Liss

Registration No.: 24,510

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorneys for Applicant

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS**

Please amend claim 9 as follows:

9. (Amended) A mobile electronic commerce system, comprising:
a service providing server for controlling said mobile electronic commerce system,
said service providing server having a first wireless communication unit; and
at least one electronic wallet having a second wireless communication unit and a
storage, for paying, via said wireless communication means unit, a required amount from
an said electronic wallet that includes said wireless communication means, and for
receiving a product or a service, or a required permission, from a supply side;
wherein said electronic wallet has means for downloading data indicative of an
electronic payment card from said service providing server, said data including a prepaid
amount of money, management information and a program for defining operation of said
electronic payment card, said program including security information inherent to said
electronic payment card, said program being used ~~holds an electronic payment card that~~
~~serves as an electronic payment card program, and employs said electronic payment card~~
when paying said required amount for said product or said service that is received from
said supply side; and
wherein, via said first and second wireless communication means units, said
electronic wallet and said supply side perform a settlement process that is associated with
said payment.